



**Raised Bill 5536 OPPOSED  
Public Hearing: 3/24/2010**

**TO: MEMBERS OF THE JUDICIARY COMMITTEE**  
**FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION**  
**DATE: MARCH 24, 2010**

**RE: OPPOSE RAISED BILL 5536; AN ACT CONCERNING THE**  
**DRAM SHOP ACT**

The Connecticut Trial Lawyers Association urges you to oppose Raised Bill No. 5536.

The courts have interpreted Connecticut General Statutes Section 30-102 to allow a cause of action for a victim of a drunk driver where the drunk driver had been served alcoholic beverages at a bar but had not paid for the actual drinks themselves. The courts have found that Section 30-102 applies to situations where the drunk driver did not actually purchase the alcohol from a bartender but rather a person in his/her group made the actual purchase. Raised Bill No. 5536 seeks to immunize the bar in that situation and should be rejected.

An obvious example would be a situation where a group of five people go out to celebrate the 21<sup>st</sup> birthday of a member of their group. The five sit at the bar for several hours and drink continuously during that time frame. The bartender serves the group including the person whose birthday it is an excessive amount of alcohol. The group insists on paying for the drinks for their friend. The person whose 21<sup>st</sup> birthday it is becomes intoxicated and thereafter leaves the bar and drives, killing an innocent driver.

Raised Bill No. 5536 would prevent the estate of the person who was killed from bringing a claim against the bar. Raised Bill No. 5536 would shield the bar from responsibility simply because the drunk driver did not pay for the drinks and was handed the drinks by a member of the group. The distinction of whether or not the driver paid for the drinks or whether someone in the group paid for the drinks is silly. The reality is that the drinks were paid for and served excessively.

**Wherefore, the Connecticut Trial Lawyers Association OPPOSES Raised  
Bill No. 5536.**